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10/613,001	07/02/2003	Joseph Joseph		4488

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Stephen E. Feldman, P.C.  
12 East 41st Street  
New York, NY 10017

EXAMINER

PHUONG, DAI

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/613,001

**Applicant(s)**

JOSEPH, JOSEPH

**Examiner**

Dai A Phuong

**Art Unit**

2685

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 07/02/2003.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-14 and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshikawa et al. (Pub. No: 2004/0034464).

Regarding claim 1, Yoshikawa et al. disclose a system for providing traffic information for planning a trip comprising: a traffic system including cellular telephones 12 ([0042]), a base station 15 and a processing station 10 configured for receiving cellular telephone emissions, the processing station being in communication with the base station, the processing station being configured for receiving data input from cellular telephones to the base stations (fig. 1, [0043]), the base station using the data input to define the amount of cell phones on a roadway ([0047] and [0048]. Inherently, in order to determine the numbers of devices 12 in the field, the user server of the network navigation center stores users data who request the traffic information by sending road information from devices 12) and, therefore, the volume of traffic on a roadway ([0044]).

Regarding claim 2, Yoshikawa et al. disclose all the limitation in claim 1. Further, Yoshikawa et al. disclose the system providing for traffic information wherein the data input is

sent to the base station by the cellular telephones ([0043]) and defines the amount of cell phones located in vehicles on a roadway ([0047]. Inherently, in order to determine the numbers of devices 12 in the field, the user server of the network navigation center stores users data who request the traffic information by sending road information from devices 12).

Regarding claim 3, Yoshikawa et al. disclose all the limitation in claim 2. Further, Yoshikawa et al. disclose the system for providing traffic information wherein defining the navigation pathway includes defining a date and a time of departure from a geographic location ([0049] and [0110]).

Regarding claim 4, Yoshikawa et al. disclose all the limitation in claim 2. Further, Yoshikawa et al. disclose the system wherein the data input includes route information ([0042]).

Regarding claim 5, Yoshikawa et al. disclose all the limitation in claim 1. Further, Yoshikawa et al. disclose the system wherein the cellular telephone users are positioned in a vehicle ([0042]).

Regarding claim 6, Yoshikawa et al. disclose all the limitation in claim 5. Further, Yoshikawa et al. disclose the system wherein the processing station defines a navigation pathway package suitable for transfer to a computer system positioned in the vehicle suitable for at least storing and displaying map and navigation information, the computer system in the vehicle being integrated with the at least one cellular telephone ([0055] to [0056] and [0062] to [0063]).

Regarding claim 7, Yoshikawa et al. disclose all the limitation in claim 1. Further, Yoshikawa et al. disclose the system wherein the at least one cellular telephone user is not in a vehicle (fig. 1, [0042]. Inherently, the device 12 is able to de-attach from vehicle 11).

Regarding claim 8, Yoshikawa et al. disclose all the limitation in claim 1. Further, Yoshikawa et al. disclose the system wherein the locating of the at least one cellular telephone is determined using the navigation pathway defined by the at least one cellular telephone user, the emissions of the at least one cellular telephone, and one base station ([0055]).

Regarding claim 9, Yoshikawa et al. disclose a management system using cellular telephones comprising ([0042]): a traffic management system including at least one cellular telephone defining data input ([0043]); and a plurality of base stations 15, the base stations being connected with at least one processing station 10 and the cellular telephone user, the processing station being configured for receiving the data input from the cellular telephone user ([0043]) and defining a navigation pathway for the cellular telephone user at least partially based on the data input from the cellular telephone user ([0044]) and cellular telephone traffic monitored by the base stations ([0045]).

Regarding claim 10, Yoshikawa et al. disclose all the limitation in claim 9. Further, Yoshikawa et al. disclose the system wherein the data input is sent to one of the plurality of base stations by the least one cellular telephone user (fig. 1, [0043]) and defines at least a geographic location of a point of destination, a time of arrival, and a date of arrival ([0110]).

Regarding claim 11, Yoshikawa et al. disclose all the limitation in claim 10. Further, Yoshikawa et al. disclose the system wherein defining the navigation pathway includes defining a date and a time of departure from a geographic location ([0049] and [0110]).

Regarding claim 12, Yoshikawa et al. disclose all the limitation in claim 10. Further, Yoshikawa et al. disclose the system wherein the data input includes route information ([0043]).

Regarding claim 13, Yoshikawa et al. disclose all the limitation in claim 9. Further, Yoshikawa et al. disclose the system wherein the cellular telephone user is positioned in a vehicle ([0042]).

Regarding claim 14, Yoshikawa et al. disclose all the limitation in claim 13. Further, Yoshikawa et al. disclose the system wherein the processing station defines a navigation pathway package suitable for transfer to a computer system positioned in the vehicle configured for at least storing and displaying navigation package information including maps, the computer system being integrated with the cellular telephone ([0055] to [0056] and [0062] to [0063]).

Regarding claim 16, Yoshikawa et al. disclose all the limitation in claim 9. Further, Yoshikawa et al. disclose the system wherein the locating of the cellular telephone is determined using the navigation pathway defined by the at least one cellular telephone user, the emissions of the at least one cellular telephone, and one base station ([0055]).

Regarding claim 17, Yoshikawa et al. disclose a method using cellular telephones for managing traffic comprising: providing a traffic management system including a plurality of base stations connected to at least one processing station and a plurality of cellular telephone users ([0043] to [0044]), the traffic management system being suitable for identifying traffic congestion based on monitoring cellular telephone traffic ([0048] and [0053]); sending data input from the cellular telephone users to the at least one processing station ([043]); developing navigation pathways in the processing station based at least partially on the data input from the cellular telephone users ([0043]); inputting data from the cellular telephone users along the navigation pathway to the base stations, the information being suitable for the at least one

processing station to track the position of the cellular telephone user on the navigation pathway using a single base ([0055] to [0056]); and providing data output from the at least one processing station to the cellular telephone users including providing notice of ensuing key navigation points along the navigation pathway to the cellular telephone users along the navigation pathway station and redirecting the cellular telephone user on the navigation pathway in relation to the traffic congestion detected by the plurality of base stations ([0068] to [0071]).

Regarding claim 18, Yoshikawa et al. disclose all the limitation in claim 17. Further, Yoshikawa et al. disclose the method wherein the step of providing data from the at least one processing station includes providing navigation pathway information recorded on a medium suitable for use in a vehicle ([0063]).

Regarding claim 19, Yoshikawa et al. disclose all the limitation in claim 18. Further, Yoshikawa et al. disclose the method wherein the step of providing data from the at least one processing station includes providing navigation pathway information including Global Positioning System information to the cellular telephone user, the navigation pathway information including maps in a form suitable for use on video display in a vehicle ([0060] to [0063]).

Regarding claim 20, Yoshikawa et al. disclose all the limitation in claim 17. Further, Yoshikawa et al. disclose the method wherein the step of providing includes a satellite system configured for communicating between the cellular telephone and the at least one of processing station ([0060] to [0062]. Inherently, there is needed the combination of GPS and satellite in order to determine the present position of the device 12).

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa et al. (Pub. No: 2004/0034464) in view of Le et al. (Pub. No: 2004/0236498).

Regarding claim 15, Yoshikawa et al. disclose all the limitation in claim 9. But, Yoshikawa et al. do not disclose the system wherein the traffic management system provides corrective directions when a turn along the navigation pathway was missed by the at least one cellular telephone user.

In the same field of endeavor, Le et al. disclose the system wherein the traffic management system provides corrective directions when a turn along the navigation pathway was missed by the at least one cellular telephone user ([0115]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication device of Yoshikawa et al. by specifically including corrective directions when a turn along the navigation pathway was missed by the at least one cellular telephone user, as taught by Le et al., the motivation being in order to allow user to navigate from a predetermined source position to predetermined destination position on the map.



*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Moriguchi et al. (Pub. No: 20040203918) communication device

Koga (Pub. No: 2003095702) navigation guide device

Lee et al. (Pub. No: 20030163253) multiple route map

Rock et al. (Pub. No: 20030052797) detection and warning system


Nakano (Pub. No: 20020077748) route calculation

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 703-605-4373. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong  
AU: 2685  
Date: 01-20-2005



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PRIMARY EXAMINER